

STATEMENT OF CONSIDERATION
Relating to 201 KAR 46:030

General Government Cabinet
Board of Medical Imaging and Radiation Therapy
(Amended After Comments)

I. The public hearing on 201 KAR 46:030 was held on May 27, 2015 at 9:00 a.m. at the Office of the Board of Medical Imaging and Radiation Therapy.

II. The following persons stated comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Cyndi Gibbs	Kentucky Society of Radiologic Technologists
Ellis Blanton	Educator
Pam Colburn	Baptist Health Louisville/Lagrange, Director of Radiology

The following persons submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
Anna Hamilton	St. Catharine College
Dawn McNeil	St. Catharine College
Ellis Blanton	St. Catharine College
Paul Hutson	Southeast Kentucky Community & Technical College
Dewey Crawford	Commissioner, CMCC
Terri Hannon	Director of Radiology Services, Our Lady of Bellefonte Hospital
Doyle Decker	Radiography Program Coordinator, Somerset Community & Technical College
Tony Honeycutt	Provost, Somerset Community & Technical College
Nancy Powell	Dean of Health Sciences, Somerset Community & Technical College
Donald Givens	Director of Radiology, Muhlenberg Community Hospital
Michael Tutor	Director Diagnostic Imaging & Oncology Program, Baptist Health Paducah
Sarajane Doty	Professor
Homer Terry	Program Coordinator/Professor, HCTC/SKCTC Regional Radiography
Astor Halcomb	Professor of Radiography, HCTC/SKCTC

Timothy Whitaker
Kay Burke

Jimmy Higdon

Professor of Radiography, HCTC/SKCTC
Team Leader Women's Imaging Dept. Baptist
Health Louisville
Senator, KY Senate, Senate Majority Whip

III. The following people from the promulgating administrative body responded to the commenters:

Name and Title

Sheryl Abercrombie, Board Chairperson
Vanessa Breeding, Executive Director
Carol Scherbak, Regulations Committee
Cynthia Knapp, Regulations Committee
Andrea Cornuelle, Regulations Committee

IV: Summary of Comments and Responses

(1) Subject Matter: Section 1 (3) Maintain continuous accreditation by the Joint Review on Education in Radiologic Technology (JRCERT), the Joint Review on Educational Programs in Nuclear Medicine Technology (JRCNMT), or another agency that specifically evaluates the imaging or radiation therapy program based upon equivalent standards.

(a) Cyndi Gibbs and Pam Colburn

Comment: The commenters want to add continuous accreditation to include the American Registry of Radiologic Technologists (ARRT).

(b) Response: KRS Chapter 311B requires an applicant to be a graduate of an accredited educational program. The only two program accrediting bodies are JRCERT and JRCNMT. Additionally, the accreditation requirement is not a change in the regulation. It is the board's understanding that the requirement was included in the regulation in 2007 as a legislative amendment to the regulation. The ARRT does not accredit an educational program. The board lacks the authority to remove the accreditation requirement and does accept the valid legislative intent to require the accreditation. Therefore, the JRCERT and the JRCNMT as defined by KRS 311B.020 (11) are the only accreditations recognized by the board.

(2) Subject Matter: Section 1 (3) Maintain continuous accreditation by the Joint Review on Education in Radiologic Technology, the Joint Review on Educational Programs in Nuclear Medicine Technology, or another agency that specifically evaluates the imaging or radiation therapy program based upon equivalent standards.

(a) Ellis Blanton

Comment: The commenter would like to add regional accreditation.

(b) Response: The Board of Medical Imaging and Radiation Therapy declines to accept the revision. The JRCERT is the only agency recognized by the United States Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA), for the accreditation of traditional and distance delivery educational programs in radiography, radiation therapy, magnetic resonance, and medical dosimetry. The Joint Review Committee on Educational

Programs in Nuclear Medicine Technology (JRCNMT) is the only programmatic accrediting agency recognized to accredit nuclear medicine technologist educational programs offered through traditional and distance education formats in the United States and its territories. The JRCNMT holds recognition from the Council for Higher Education Accreditation (CHEA). Regional accreditation only accredits the institution and not the specific programs within the institution:

Program Accreditation vs. Regional Accreditation			
Area	Program	Regional	
Accreditation Process	Focuses on Program Integrity, Resources, Curriculum, Health and Safety, Assessment	Focuses on institutional system and processes.	
Site Visit Team	Includes two discipline specific peer reviewers.	Consists of President, Financial assessment, and Student Services representative	
Accreditation Cycle	Maximum eight years with mandatory four year interim report required.	Maximum ten year with no interim report required.	
Curricula	Adheres to the ASRT curricula standards.	Credit and content hours, No content evaluation.	
Faculty	Credentialed and experienced in discipline	Appropriate degree. Random sampling	
Facilities, Equipment, and Supplies	Program- specific resources	Appropriate for learning but nor required to be directed at any specific program level.	
Fiscal and Administrative Budget	Program-specific budget	Overall college budget/reserves	
Student Support Services	Maintained and evaluated	Residential life, counseling	
Recruiting and Admissions	Appropriate and comprehensive clinical placement.	Reviewed in conjunction with Student Support Services.	
Student Achievement	Monitor ARRT results, job placement rates, student learning outcomes	Evidence of general educational assessment plans, does not review program outcomes.	
Student Complaints	Follow-up on all program specific complaints of non-compliance with JRCERT standards	Policy in place.	

(3) Subject Matter: Section 1 (4) The programs permit site inspections by a representative of the board.

(a) Cyndi Gibbs

Comment: What is the purpose of having a board representative do site inspections? Does this mean that the board representative would accompany the site visit team or would the board representative do un-announced site inspections?

(b) Response: The board has heard this comment and after review of the legislative authority given to the board under 311B, the board decided to remove 201 KAR 46:030 Section 1 (4).

(4) Subject Matter: Section 1 (3) Maintain continuous accreditation by the Joint Review on Education in Radiologic Technology, the Joint Review on Educational Programs in Nuclear Medicine Technology, or another agency that specifically evaluates the imaging or radiation therapy program based upon equivalent standards.

(a) Written comments from Doyle Decker, Ellis Blanton, Dawn McNeil, Anna Hamilton, Kay Burke and Paul Hutson

Comment: Mr. Decker comments that JRCERT and JRCNMT accreditation is “..unnecessarily restrictive to the sponsoring institutions”, “..to mandate that a program be accredited by a particular agency gives too much power to said agency”, “..this regulation goes beyond even what the JRCERT defines as a graduate of a JRCERT accredited program.

(b) Response: With regards to the comment that accreditation is unnecessarily restrictive, and gives too much power to said agency, the Board specifically named the JRCERT and JRCNMT as those are the only two agencies that perform programmatic accreditation. The JRCERT is the only agency recognized by the United States Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA), for the accreditation of traditional and distance delivery educational programs in radiography, radiation therapy, magnetic resonance, and medical dosimetry. The Joint Review Committee on Educational Programs in Nuclear Medicine Technology (JRCNMT) is the only programmatic accrediting agency recognized to accredit nuclear medicine technologist educational programs offered through traditional and distance education formats in the United States and its territories. The JRCNMT holds recognition from the Council for Higher Education Accreditation (CHEA). CHEA is a national advocate and institutional voice for self-regulation of academic quality through accreditation. CHEA is an association of 3,000 degree granting colleges and universities and recognizes 60 institutional and programmatic accrediting organizations. If any educational facility feels that the evaluation parameters are too restrictive these concerns should be presented to the accrediting organization (JRCERT or JRCNMT) for discussion, evaluation and resolution.

With regards to the comment about continuous accreditation the board agrees that it goes beyond the JRCERT definition of graduating from an accredited program therefore, the word continuous will be removed from this regulation.

According to JRCERT representative Barbara Burnham, Special Projects Coordinator, students are only considered graduates of a JRCERT accredited program IF they graduate while the program holds accreditation. If the program loses accreditation any student that graduates

following the date when the accreditation is withdrawn becomes a graduate of a non-accredited program. The JRCERT is recognized by both the United States Department of Education (USDE) and the Council on Higher Education Accreditation (CHEA). The USDE requires that in order for a program to obtain the maximum accreditation, programs must be in compliance with every Standard/Objective. They also require that we provide the program time to come into compliance, but if they do not, we are required to take adverse action, which is defined as involuntary withdrawal of accreditation.

JRCERT Policy 10.204 regards as graduates of a JRCERT accredited program all students who have successfully completed a program granted any accreditation status defined in 10.202 at the time said students completed the program.

V. Summary of Action Taken by Promulgating Agency

The Board of Medical Imaging and Radiation Therapy reviewed the comments and, as a result, is amending the administrative regulation as follows:

Page 2

Section 1

Line 8

After therapy program based upon equivalent standards, delete
; and

Page 2

Section 1

Line 8

After therapy program based upon equivalent standards, insert
:

Page 2

Section 1

Line 9

Delete
(4) Will permit site inspections by a representative of the board.

Page 2

Section 1

Line 5

After (c) Programs maintain delete
continuous